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Legal Latins: Creating Webs and Practices of Immigration Status among Latin American Migrants in London

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Introduction

Despite an increasingly globalised and transnational world, the effects of increasing restrictions on people's movement are being felt everywhere as people negotiate barriers to their movement in ever more innovative ways. One important effect of these restrictions is the irregularity of these population movements. Although popular accounts of such migration usually exaggerate its extent in reality, its importance cannot be over-stated. Not surprisingly, research on immigration status has burgeoned in parallel with concerns about the effects of irregular migration on state sovereignty and national security. Yet academic debates have either tended to focus on the structural underpinnings of irregularity in terms of the relationship between immigration policy, labour market demand and regularity especially at a European-wide level, or on the specific circumstances of migrants who have no regular status or a specific legal status (Bailey et al. 2002), especially the vulnerabilities they face and the ways in which they deal with their situation (Chimienti 2011). This has also been linked with theorising irregularity in relation to citizenship, belonging and the exercise of rights in ways which challenge dichotomous binaries between regular and irregular (Anderson 2013). Less research has focused on how migrants have to negotiate the structures that influence regularity across the entire spectrum of legality (Koser 2009). This need to analyse both structure and agency has been highlighted as especially important in order to avoid stereotyping irregular migrants as victims or those who break laws (Bloch and Chimienti 2011). Also significant is that research tends to be divided into quantitative studies that attempt to estimate the size and impact of irregular migration and small-scale qualitative studies (Anderson and Ruhs 2010), with few that combine both.

The current paper addresses several dimensions of these lacunae drawing on quantitative and qualitative research with Latin Americans in London in relation to the ways in which the British state has imposed an ever restrictive immigration regime in conjunction with how migrants have responded. It also addresses experiences of irregularity among migrants from a wide range of immigration statuses and not just one specific type as well as considering how migrants develop various practices not only to enter but to subsequently 'get-by' afterwards; these are both approaches which have been neglected to date (Anderson and Ruhs 2010). Conceptually, the paper challenges

the notion of a straightforward 'hierarchy of irregular statuses' (Cvajner and Sciortino 2010; also Morris 2002) and suggests that while hierarchies are formed as a result of the structural conditions imposed by migration regimes and labour markets, migrants also subvert these in diverse ways that are akin to webs both in terms of entry and subsequent settlement. Therefore, the conceptualisation of webs captures the dynamism of migrant irregularity over time, space and scale as well as a degree of migrant agency. In turn, these webs play out through various practices that include entry, regularisation as well as spatial, economic and social invisibility. The case of Latin Americans in the UK context who comprise such a range of nationalities with concomitant immigration statuses and histories, also highlights how migrants negotiate irregularity within their 'community'. Unlike many migrant communities with shared migration histories, at least in relation to the regimes imposed on them, this group are distinct in experiencing a huge range of experiences as a result of their differential immigration statuses that can lead to conflict among them. Therefore, Latin Americans create webs to negotiate their immigration status in non-binary ways as a 'community' between them and the state, but these webs are also negotiated among themselves. At the same time, their experiences of irregularity are similar to other migrants in their innovative responses through creating a range of practices in order to ensure survival yet within a wider context of exclusion and marginalisation (Bloch, Sigona and Zetter 2011, Schuster 2005, Sigona and Hughes 2012).

Understanding Migrant (Ir)regularity

There is a huge body of research on issues of migrant legality that relates to theoretical discussions of definitions and rights (Anderson 2007; Carens 2008). At the outset, it is important to clarify briefly what they mean, not least because they have been defined in many different ways. The terms 'irregular', 'undocumented', 'illegal' and 'unauthorised' migration all refer to a situation whereby people enter a country without authority to do so and are potentially open to being deported as a result (Jordan and Duvell 2002). Importantly, defining migrants as illegal, irregular or undocumented reflects the actions of states through legislative processes rather than individuals (see Black 2003; Samers 2004). Yet, the specific name assigned to people who circumvent immigration rules has been open to much debate. On the one hand, there has been a manipulation of the terms by the popular media as well as confusion over what constitutes different statuses. It is generally agreed that 'illegal' is the least helpful because of its inherent criminalisation of people who cross borders in an unauthorised manner. It has also been critiqued because it strips people of their human rights, it ignores the fact that migrants who break national laws are still subject to international law (Koser 2009). Although the terms 'undocumented' and 'unauthorised' are free from explicitly negative labelling, they remain unclear; both can denote not having the legally correct papers as well as not being officially recorded by the receiving country. Other terms have been created such as 'non-status' to replace 'undocumented' because most people are usually documented in some form (Goldring, Berinstein and Bernhard 2009). As a result of these confusions, irregular is generally the most widely used and value-free term used among scholars and international agencies (Anderson and Ruhs

2010) although several governments and the popular media continue to use ‘illegal’ (Koser 2009).

Further adding to the complexity is that immigration status is extremely dynamic (Bloch, Sigona and Zetter 2011, Schuster 2005). It can be brought about by a range of processes which include entering a destination country without documentation (being smuggled or trafficked) or with false papers, overstaying visas or violating the terms of visas, as well as remaining after an asylum application and/or appeal have been rejected, and residing without documentation or applying for asylum in another country while residing elsewhere (Koser, 2009a, 2009b). In addition, these processes can intersect depending on the individuals and their specific life experiences (Black et al. 2006). As such, the dichotomous distinction between regular and irregular is not only blurred but shifts through processes referred to as ‘status mobility’ which is influenced by both state policies and the behaviour of migrants over time and space (Anderson and Ruhs 2010, Schuster 2005). This dynamic process has further been conceived as a ‘irregular migratory career’ (Cvajner and Sciortino 2010, 214) whereby irregular migrants are grouped according to trajectories that vary according to migration legislation, flows, networks and migrant agency. The complexity of immigration statuses is also at the heart of recent conceptualisations of the ‘super-diversity’ of international migration linked, especially in global cities such as London (Vertovec 2007) and of particular pertinence here (McIlwaine 2011).

As noted above, there has also been a tendency to focus on how migrants negotiate entry, with “much less empirical and theoretical attention [has been] devoted to the structure/agency relation in the illegalising process once migrants have entered a state” (Anderson and Ruhs 2010, 176). None the less, it has been widely acknowledged that immigration status permeates the rights available to migrants in all aspects of their lives economically, socially, culturally and politically (Engbersen and Van Der Luen 1998), particularly where they live, their labour market experiences as well as their social relationships (Broeders and Engbersen 2007). This can lead to deep-seated divisions among migrants according to immigration status with some suggesting that distinct social classes have emerged with differential access to resources, rights and citizenship (Menjívar 2006). Such differential access to immigration status also creates a stratified sense of belonging or what Castles (2005) calls ‘hierarchical citizenship’ and marks out those who are irregular as deportable and therefore excluded from society. Bauman (2004) also points out how social stratification has become ever more selective over time with irregular migrants increasingly being pushed towards the margins of the labour market and denied access to the welfare states of wealthy countries. However, this exclusion is variable and affected by a ‘hierarchy of statuses’ (Morris 2004) and various forms of ‘civic stratification’ (Kofman 2002) or ‘gradations of status’ (Bernhard et al. 2005).

Reflecting this, irregular migrants can be firmly integrated into formal labour markets through work contracts and paying taxes (Wills et al. 2010), yet they may also be

excluded from accessing other state resources (Leitner and Ehrkamp 2006). In turn, migrants may be 'semi-compliant' where they reside legally but work in contravention of the conditions of their immigration status (Ruhs and Anderson 2010). Such processes of irregularity often serve the needs of states and employers because they have a constant supply of flexible labour that can be hired and fired when demand requires thus creating a 'migrant division of labour' in the process (May et al. 2007; see also McDowell, Batnisky and Dyer 2008). State policies can thus legally produce 'illegality' through processes of irregularisation that can benefit labour markets in particular (Calavita 1998; De Genova 2002). In addition, irregular migrants can be granted some substantive rights depending on national, European and international rights regimes, many of which are contradictory and differentially implemented again creating divisions among migrants (Kofman 2002). As well as 'semi-compliance', other terms have been developed in order to capture the dynamism of migrant status and to challenge the dichotomous distinction between regular and irregular; these include 'precarious status' (Goldring, Berinstein and Bernhard 2009), 'liminal legal status' (Menjívar 2006) and 'permanent temporariness' (Bailey et al. 2002).

Yet, migrants are not victims of the restrictions that nation states impose on their movements and attempts to settle (Cvajner and Sciortino 2010). Instead, through a range of structuration processes they exercise their agency in multiple and sometimes contradictory ways or 'engagements' (Morawska 2001). As well as innovative entry strategies, migrants also create practices or 'tactics' to cope with the exigencies of their lives in destinations (Datta et al. 2007). Increasingly, research has focused on how irregular migrants in particular deal with the challenges relating to processes of entry, residence and employment in foreign countries (Broeders and Engbersen 2007). In particular, Engbersen (2001, 223) has identified a range of risk-avoidance or residence strategies adopted by irregular migrants all of which entail a range of strategic activities. While some conceptualise these practices or tactics as mechanisms to avoid risk or deal with exclusion (Datta et al. 2007), others suggest that they reflect forms of resistance and protest (Chimienti 2011; Ellerman 2010).

Drawing on these ideas, the current paper identifies the types of practices created by regular and irregular Latin American migrants in London in order to enter and settle. These are delineated as entry and regularisation, as well as spatial, economic and social invisibility practices which blend together as migrants negotiate the complex webs of irregularity and regularity that face them and the value systems that accompany them. This typology allows for the exploration of how immigration status affects both regular and irregular migrants and also captures the mutability of status that can change over relatively short time periods, over the life-course, across different domains and according to nationality. While there are some hierarchies inherent in these webs, they are not ordered but rather reflect a range of overlapping statuses and practices among migrants which interpolate with the structural exigencies of the migrant regime more widely. Building on others who have also challenged binary taxonomies of immigration status (see Goldring, Berinstein and Bernard 2009 on Canada), I suggest

conceptualising these complexities as webs that can encapsulate the dynamic networks and intersections that are inherent in how non-citizen and citizen migrants negotiate their place in society through various and intersecting entry and regularisation and invisibility practices.

Latin American Migration to London: Setting the Scene

Latin Americans represent a 'new migrant population' with no direct colonial links with the UK. Yet, they have a long history with London in particular in terms of trading and in providing a home for political exiles, diplomats, writers, artists, political activists and business people (Peró 2011). Yet the numbers of Latin Americans moving to the UK was not significant until the late 1970s when Colombians arrived on work permits for employment in catering and cleaning at a time when work vouchers for people from Commonwealth countries were removed. After 1980, migration of Colombians continued through social networks and asylum seeking as people fled the worsening armed conflict (Bermúdez 2010). Since then, increasing numbers of Ecuadorians migrated, especially in the 1990s, together with Peruvians, Argentineans and more recently, Bolivians and Brazilians (McIlwaine, Cock and Linneker 2011). Since 2000, more students and professional migrants have arrived, reflecting the increased border controls and introduction of managed migration policies that favour highly skilled migrants. Also important more recently has been secondary migration from other European countries, especially from Spain and especially prevalent among Ecuadorians and to a lesser extent Colombians (McIlwaine 2011, 2012).

Acknowledging the difficulties in estimating the size of the Latin American community, recent statistical analysis has provided an estimate that includes regular, irregular and second generation Latin Americans in London. This suggests a central estimate of 113,578 including 17,100 irregular migrants and 17,182 second generation; this means that irregular migrants comprise 18% of the total population. This makes them roughly the same size as the Polish and ethnic Chinese in London and represents 61% of the British Latin American population as a whole (McIlwaine, Cock and Linneker 2011, 15; also McIlwaine and Bermúdez 2011).

Methodologically, this paper draws on two projects conducted between 2006 and 2011. The first explored livelihood practices among Latin Americans and comprised in-depth interviews conducted with 28 Colombians, 22 Ecuadorians and 20 Bolivians in London together with 3 focus groups and 10 interviews with community representatives between 2006 and 2007. Participant observation was undertaken through membership of a management committee of a Latin American organisation between 2006 and 2008. The second project was commissioned in order to provide a population estimate and community profile of Latin Americans and involved a questionnaire survey with 1014 people, 50 in-depth interviews, 3 focus groups and 15 interviews with community representatives conducted between 2009 and 2010.

In terms of the profile of Latin Americans, the survey was stratified to reflect the main nationality groups known to exist in London and included 234 Brazilians, 249 Colombians, 182 Ecuadorians, 116 Bolivians, 71 Peruvians as well as range of other nationalities such as Argentineans, Chileans and Mexicans. Similar proportions of women and men were interviewed, with almost two-thirds aged between 16 and 39. The population is very recent with two-thirds arriving since 2000 and more than one-third since 2005, especially Bolivians and Brazilians. Although the majority identified themselves as having legal immigration status, 19% admitted to having no valid documents with a quarter having British passports, and another 19% with EU passports. Most were well-educated with 70% having post-secondary education, with only 4% having no education or only primary. None the less, almost half of all those working were employed in elementary occupations such as cleaners, kitchen assistants and security guards. This is substantially higher than for the foreign born and London population as a whole.

Creating Webs of (Ir)regularity: Migrant Entry and Regularisation Practices

This section highlights the intricate interplay between the structural conditions that determine who enters a given country and how migrants negotiate a dynamic migration regime that includes, excludes and values people differentially. While certain hierarchies are created through migrant entry practices, the complexities in the nature of entry leads to the creation of webs of regularity and irregularity in non-binary ways. In turn, these create deep-seated divisions especially according to nationality (Menjívar and Salcido 2012). The identification of migrant entry and regularisation practices adapts similar typologies elsewhere that revolve around the three core counter-strategies of entry, residence and employment (Broeders and Engbersen 2007).

While the UK has always had a controlled immigration policy which has been especially restrictive since the 1960s as the government tried to curb immigration from the former Commonwealth countries, relatively large scale migration has occurred since then, accepted mainly because of labour shortages. However, more recently ever more stringent limits on immigration have been enforced (Anderson, 2013; Bloch, Sigona and Zetter 2011). Somewhat ironically, this has boosted the numbers of irregular migrants. Although estimating the number of irregular migrants is notoriously difficult it was thought that there were 750,000 irregular migrants in London in 2007 (Gordon et al. 2009). Yet this obscures the complexity of such migration in terms of how people become irregular in the first place.

It is generally thought that most irregular migration in the UK is generated through people overstaying their visas (Wills et al. 2010) and this is corroborated among Latin Americans in London. The vast majority entered with valid documents with only 3% arriving without (or 30 people out of 959). Almost two-thirds initially entered with a temporary visa (of these 227 or 24% arrived with tourist visas and 193 or 20% with student visas) or with their home country passport and no visa (19% or 185). One-fifth entered with documents that gave them the right to settle, such as EU passports (17% or

160). Significantly, there were marked variations by country of origin in how people entered. Three-quarters of Bolivians entered as tourists or visitors, which is much higher than for other countries. Almost one-third of Colombians entered with student visas which is also much higher than other Latin American nations while Brazilians and Ecuadorians were the most likely to enter the UK with EU passports (a quarter in each case). Brazilians and Bolivians were also the most likely to be irregular (38% and 36.5%) with Colombians being the least likely (6%) among the larger nationality groups. In turn, Peruvians and Colombians were most likely to hold British passports (38% and 37%) while EU passport ownership was highest among Brazilians (31%).

These patterns reflect different histories and spatialities of the migration regime in the UK which are in turn, influenced by a range of other factors depending on the specific life situations of migrants back home (Anderson and Ruhs 2010; Bloch and Chimienti 2011). They also reflect how migrants manipulated their entry and settlement through webs of (ir)regularity. All Latin Americans have been affected by the workings of the British state as it has welcomed and restricted entry and regularisation of migrants depending primarily on labour requirements at the time. For instance, and noted above, Colombians were the first to arrive and welcomed in fairly large numbers through the work permit system in the 1970s with many subsequently claiming asylum in the 1980s and 1990s along with Ecuadorians and Peruvians in smaller numbers. While not actively encouraged, claiming asylum was relatively straight forward for these nationalities at the time and London was viewed as a place of refuge. The diversification of migration flows from Latin America in the 2000s to include large numbers of Brazilians and Bolivians also heralded a more hostile immigration regime (see also Kubal et al 2011).

Returning to the situation among Colombians in the 1970s, two employment agencies in Central London run by Italians formed the epicentre of the work permit process. A Colombian man from the province of Quindío established links between the Italians and people from his home area selling work contracts mainly in restaurants and cleaning jobs. Although by 1980, work permits were withdrawn for low-skilled jobs, Colombian networks were already established as Ximena's case illustrates. In 1977, Ximena's husband bought a work permit from an 'agent' who arrived in their *barrio*. He migrated first to work as a kitchen assistant in a restaurant in Piccadilly Circus and Ximena followed 6 months later also with a work permit and also to work in a restaurant, leaving their 8 year old son with his grandparents. Six months later, Ximena's son joined them and they all subsequently attained British citizenship through residency.

While political violence was an important factor in the arrival of the first Latin Americans, especially from Chile and Argentina, it was also an important entry practice among Colombians (and to a lesser extent Ecuadorians) in the 1990s. Indeed, at this time, 17% of all Latin Americans in the survey applied for asylum at the port of entry (compared with only 6% by 2010). Applying for asylum also had an important effect on the subsequent ability to claim citizenship in that nearly a third of British citizens had

applied for asylum themselves or through a family member. Also crucial is that those applying invariably fled difficult economic circumstances as well as conflict such as 37 year old José from Antioquia, Colombia who fled in 1996 when the war was especially difficult; he lived in a farming community where he had a small business selling alcohol. However, his life was plagued with death threats from guerrilla and paramilitary groups. José used all his savings to fly to London where he claimed asylum on arrival. Like many, José's asylum claim was not resolved until the Family Amnesty programme of 2002 which gave those with at least one dependent child in the UK and who had claimed asylum before 2 October 2002 the right to apply for Indefinite Leave to Remain and gave them full rights to remain in the UK and to work.

While entry practices with work permits and through asylum which led to regularisation have declined markedly since 2000, those entering through other means have increased. For example, 10% of those who arrived in the 1990s entered with tourist visas, but this rose to 25% after 2000 (mainly Bolivians and Brazilians). Those arriving on tourist visas were more likely to become irregular because of their inherent short-term basis. For Bolivians, the various crises linked with the Presidency of Morales, especially the conflict with Santa Cruz from where many hailed, the increasing difficulties of entering the US, and the fact that Bolivians could enter the UK on tourist visas made London an attractive destination. Juliana who was 50 had 6 children who all wanted to go to university. Although she worked as a hairdresser and her husband was a mechanic they could not afford the fees. She described how they found out about London:

We went to the travel agency and told them we wanted to migrate to any part of Europe in order to pay for our children's education. The first option they gave us was Australia, but then they told us that we could work in England, that there were more sources of work here for men and women. Then we borrowed money, gave our house to a relative and we came here with only our fares.

They entered in 2005 on tourist visas after which Juliana's husband applied for a student visa with her as his dependent. In 2007, the British government prevented Bolivian migrants from entering on tourist visas and converting these to student permits (entry visas were imposed in 2009). As a result, Juliana and her husband became overstayers and hence irregular when his student visa expired.

This shows how migrants' status is inherently dynamic, shifting from regular to irregular over short time periods and in response to changing immigration legislation. It also varies according to nationality which is where the hierarchies of entry and acceptance are formed. So while Juliana and her husband became overstayers as they could not renew his student visa, Brazilians were much more able to access both tourist and subsequent student visas. This is linked with the British government's desire to bolster trade with Brazil as well as capture the higher education market for high paying students on highly skilled 'tier 4' visas. Magarida who was 29 and from Goiania, Brazil arrived in London in 2003 on a tourist visa but with the aim of learning English. After 6

months she converted her tourist into a student visa while she studied English and worked as a chambermaid. In 2005, Magarida married and her husband became a dependent on her student visa allowing him to work as an administrator while she began a university degree allowing her to extend her visa.

Although entry with tourist visas often led to irregularity, this was not always the case, again illustrating the blurring of boundaries between different legal statuses. The case of Esperanza highlights how entry with a tourist visa can lead to longer term settlement, even if this was much more possible in the 1990s than today. Esperanza from Colombia arrived in London in 2000 on a tourist visa; she left her hometown after her husband was killed in the armed conflict and the earnings from her small restaurant were not sufficient to pay for her daughter's university studies:

I lived so stressed out because I was alone and in order to earn these 3 minimum wages, I worked Sunday to Sunday for 6 years ... my decision was to look for better opportunities in my life ... Since she as a little girl, she [her daughter] wanted to study medicine, and I was wracking my brains trying to think how I would pay for it.

She joined her brother in London who had previously claimed asylum and who helped Esperanza with her application. Although it was rejected, she secured it through the Family Amnesty in 2002.

Another important shift in the nature of migrant entry practices was an increase in people arriving with EU passports from 2000 onwards through a process of 'transit migration' (Collyer, Düvell and De Haas 2010). EU citizenship emerged as essential in the formation of complex transnational social spaces among Latin Americans with regularisation being a core element in their construction as civic capital was accumulated and converted and citizenship attained (McIlwaine 2012). Indeed, less than 8% of those arriving in London before 2000 entered as EU citizens compared with 22% of those arriving after 2000. Indeed, more than a third of Latin Americans had lived elsewhere before arrival in London (164 people out of 450 or 36.5%), especially from Spain (61 people or 38%) with most of this arrival since 2005. Although many onward migrants entered with tourist or student visas (50 people or 30.5%), the single largest group were those with EU passports (60 people or 37%). The link with Spain was especially important for certain nationalities, especially Ecuadorians, Colombians Peruvians. Migration via Italy and Portugal was also significant, especially among Brazilians. This specific pattern of onward migration from Spain was undergirded not only by economic factors in terms of dramatic growth and labour demand in the 1990s and subsequent recession, but also by several regularisation programmes (ibid.).

Many Latin Americans in London spoke of making a conscious decision to move first to Spain because it could provide a gateway into Europe. Lucy from Ecuador arrived in London in 2006 after living in Spain for 8 years previously. With the help of a Catholic religious order in Spain, she moved to Madrid because she did not need a visa and worked caring for three elderly people. Lucy regularised her status to become a Spanish

citizen through one of the regularisation programmes with a view to moving to the UK where she thought there were better job opportunities. While Lucy regularised her status legally, some people obtained false Spanish passports through a range of illegitimate institutions and networks or ‘bastard institutions’ as part of the ‘foggy social structures’ that allow migrants to enter without detection (Broeders and Engebersen 2007). These passports were usually bought for between US\$800 and \$2000 and were those of naturalised Latin Americans thus allowing people to ‘manipulate their identity’ (Engbersen 2001). In some cases, they were bought permanently, in others they were ‘rented’ for entry alone. Illustrating this, 38 year old Juana from Ecuador decided to leave in order to escape an abusive relationship as well as search for better economic opportunities. She went first to Madrid with a tourist visa, leaving her son behind in Ecuador. When she was unable to find work in Spain, a friend from London lent her \$1000 to buy a false Spanish passport. After a year, her son joined her after also migrating via Spain using a false Spanish passport.

Other forms of illegal entry through smuggling via so-called ‘bastard networks’ did occur although this was uncommon (Collyer 2005). Again, this tended to involve transit through Europe, especially Spain. For example, Edilma from Colombia recalled how she and her husband had their British visa applications rejected resulting in them recruiting a smuggler. As she noted:

A man helped us, it turned out to be really expensive, but it was quick, about a month. We paid the money, we were very innocent but very anxious, and he brought us. He brought us in with other names via Spain.

Edilma’s case also illustrates that illegal entry does not preclude eventual regularisation in that after a year, she and her husband secures asylum and subsequent citizenship with the help of a migrant organisation.

These complex overlapping practices that facilitated entry and sometimes settlement highlight the inherent dynamism and fluidity of boundaries between regularity and irregularity as well as how webs of (ir)regularity have been created. This dynamism is reflected in the fact that almost 70% of Latin Americans entered the UK with a different immigration status to their current status. While 227 people out of 959 (43%) entered on a tourist visa, only 20 (2%) reported having one at the time of survey. In addition, 193 (20%) entered on student visas, but only 112 (12%) reported having them later. Also significant is that while only 26 people (3%) entered without valid documents, 182 (19%) ended up without them. Although the majority of migrants had regular status, many had experienced irregularity at some point or had close friends or family who had. Therefore, the hierarchies imposed by the migration regime which welcomed some and rejected others over different histories and spatialities were subverted in subtle ways that defy a binary understanding. They also created divisions among Latin Americans, and especially against Colombians who were often perceived as being privileged because they were the most established, the most likely to have British citizenship and

to own shops and cafes, and be involved in migrant organisations. For example, 32 year old Lida from Ecuador noted:

Colombians, excuse me, but Colombians are characterised as giving you a little and then taking double. Because they're legal and citizens they think they can do what they want.

Sustaining Webs of (Ir)regularity through Spatial, Economic and Social Invisibility Practices

Webs of entry and initial settlement are sustained by various invisibility practices used by regular and irregular migrants entailing various forms of isolation and negotiation of identities. These adapt typologies developed in other contexts, albeit only with irregular migrants, such as Engbersen's (2001) residence strategies including mobilising social capital, (2) (sham) marriages, (3) manipulating identity and nationality, and (4) operating strategically in public space (p 224) as well as Broeders and Engbersen's (2007) 'everyday politics of mystification' and Ellerman's (2010) 'identity-stripping'. In relation to Latin Americans in London, there is also an interesting tension between recent calls to make the community more visible in order to access resources and recognise their contribution to the society and economy (McIlwaine et al. 2011), and the desire for certain members to retain a low profile when they are living in precarious situations. Their invisibility practices revolve primarily around spatial restrictions in the city that in turn, intersect with livelihood mechanisms as migrants try to access the labour market and negotiate social relations.

The main invisibility practice adopted by irregular migrants was truncated spatial mobility in the public sphere akin to Engbersen's (2001) fourth point referring to being unable to move around the city freely in order to prevent detection by the authorities. Alba from Bolivia arrived in London with her two young children in 2006 to join her husband who had moved two years previously. Although her husband had British nationality, she arrived on a tourist visa since expired rendering herself and her children irregular. Alba was afraid to travel anywhere except to her children's local primary school where she spoke to no-one at the school gates and she never used public transport. Despite significant stress-related ill health, she was too afraid to go to the doctor:

I am ill from nerves, I'm very stressed, everything gets to me, and unfortunately I can't go to the doctor because I'm illegal ... I'm so scared that I'll be caught and arrested and deported.

This was exacerbated by a conflictive relationship with her husband who, she argued manipulated her immigration status to maintain control over her highlighting how gender inequalities can be heightened due to irregularity (McIlwaine 2010).

For those trying to access the formal labour market, invisibility practices through identity manipulation or stripping were widely mobilised among irregular migrants. In increasingly restrictive labour markets, where original copies of passports and visas are required by employers and where they can be fined if found to be employing irregular workers, unorthodox mechanisms were resorted to such as the purchase of false working visas or passports and false National Insurance (social security) numbers. These could be bought, borrowed or rented for money or paid for in kind. Elisabet from Ecuador who had been irregular for four years, worked as an office cleaner with false papers that her father had sent her from Spain, while her husband worked in a supermarket and as a cleaner also using a false Spanish passport. Cleaning supervisors often colluded with these identity strategies in allowing irregular migrants to work under the names of former (regular) employees who had remained on the payroll. Indeed, several migrants reported how they used different names for each of their cleaning jobs. Reflecting notions of ‘irregular formality’ (Vasta and Kandilige 2010), these invisibility practices reflect how irregularity is functional to the labour market as a whole in maintaining a flexible, low-paid work force which is unlikely to make demands on employers, serving to bolster the ‘migrant division of labour’ (Wills et al. 2010). Even for those with regular status, access to the labour market often entailed various strategies to negotiate identity such as selling jobs. For example, Carla, an Ecuadorian cleaning supervisor described how she knew people selling their jobs to friends and colleagues for £50. This operated as a form of ‘sub-letting’ and was especially common when someone was on holiday and wanted to keep their job open.

The nature of the work that many Latin Americans undertook, especially in the cleaning sector, was especially conducive to maintaining invisibility. Evidence from the survey shows that more than one-third worked part-time (less than 35 hours per week), especially those in personal service and elementary jobs (50% and 40%), and women (45%). Cleaning jobs in particular were usually only available for 3-4 hours at a time and at unsociable times in the early morning and evenings. For example, after living in Spain for 19 years where he worked as a welder, 47 year old Wilson from Ecuador moved to London in 2008 finding work in cleaning. He had 3 office cleaning jobs – one for three hours 4-7am, another full-time 9-5 and another in the evenings 7-10. Wilson spoke of having to travel for up to an hour on the bus between jobs although he said that this allowed him to catch-up on his sleep. While this relates to spatial mobility practices, occupational mobility was also affected as irregular migrants were afraid to change jobs due to fear of apprehension. Dolly, a Bolivian stated: ‘I have never moved jobs because I’m afraid. I tried to get another job in the early morning, but I was afraid as they asked for my passport’. Such practices allowed those with irregular status to avoid the authorities while simultaneously increasing their vulnerability.

Invisibility practices linked with webs of (ir)regularity were further linked with social relations. The creation of social networks were invaluable for migrants in negotiating their arrival and settlement (Datta et al. 2007; Wills et al. 2010), yet somewhat paradoxically and echoing Menjivar’s (2006) idea of ‘mistrustful solidarity’, social

relations remained limited in order to ensure invisibility. The latter situation is most marked among irregular migrants whose ability to make any claims on the state is absent and who are unable to engage in reciprocal relationships (Engbersen 2001). When security issues come into play as has been shown among Algerian and Colombian migrants (Collyer 2005; Guarnizo et al. 1999), mistrust and social isolation are more entrenched.

On a positive note, the survey evidence shows that over half (53%) of Latin Americans trusted their compatriots. This trust was rooted in helping others in terms of entry and assistance in times of need, especially in terms of finding work and accommodation. In contrast, lack of trust was associated with a sense of individualism (identified by 27% of all people) or envy (cited by 24%). Immigration status played an important role as Yaneth, a 33 year-old from Colombia noted with reference to different nationalities of Latin Americans as well as among Colombians:

Among us we are envious if someone has papers. There is also a lot of competition for jobs, people always ask you how much you earn, if you have papers. If you introduce someone to a friend they first ask if you have documents as if it's a competition.

Several people also spoke of denouncement to the authorities as a tool of control in disagreements (see Jordan and Duvell 2002). While not always a conscious strategy, everyday social relations in terms of friendships were generally discussed as isolationist. People spoke of small friendship circles with few having friends beyond their own nationality or other Latin Americans. A frequent comment when asked about friends was '*yo no soy muy amigüera/o*' (I'm not a very friendly person) due to a wariness and fear of gossip as Ximena from Colombia noted:

I'm not very friendly, I like to be alone, I don't have people knocking on my door ... I like to prevent any gossip. I don't want people to look at me and whether my house is clean or not, what I'm eating. I want to stay away from the envy that affects Latins here in the London.

Social invisibility and distancing was also related with their experiences of commercial sites in the city and specific 'Latin American spaces' such as Elephant and Castle and Seven Sisters market (Cock, 2011), further exacerbating the spatial restrictions in relation to work. Indeed, some migrants were especially afraid of places that were identified as being specifically Latin American as Rosa from Bolivia stated:

I don't go to Latin places because I'm afraid that they'll do something to me. I never go to Latin restaurants or clubs, I practically don't leave my house except to go shopping ... Places like Elephant and Castle are full of immigration these days and they are detaining and deporting people who go there ... I've had very

bad experiences with Latin people because of envy, people trying to take my job, they like to gossip about illegals.

Spatial, economic and social invisibility practices revolving around negotiating identity and isolation are therefore central to the lives of irregular and to a lesser extent, regular migrants. Yet, although such practices allow Latin Americans to get by in the city they also have important ramifications for people's well-being more generally which feeds into wider debates about exclusion.

Negotiating Exclusion

The complexity of the webs that are created through the various practices of entry, regularisation and invisibility reflects the innovative ways that migrants negotiate the structures of the migration regime from below. Yet, while these are impressive and go some way towards subverting the bureaucratic process of managing migration (Broeders and Engbersen 2007), the state will inevitably 'catch-up' by imposing ever more restrictive processes (Engbersen and Broeders 2009). In turn, there has been a debate about the potential for these subversive practices to generate resistance following James Scott's notion of the 'weapons of the weak'. While not necessarily suggesting that such weapons will lead to empowerment, some argue they can challenge state sovereignty and power in important ways (Ellerman 2010). While this might be the case in an abstract sense, the everyday realities of living in a state of irregularity which so often entails multiple exclusions make it difficult to conceive of such practices as resistance when viewed through the eyes of migrants (Datta et al. 2007).

For Latin Americans these exclusions have very immediate consequences in terms of well-being. The most commonly cited effect of irregularity and the enactment of the various practices was severe anxiety as Emilio from Ecuador noted:

It's an oppression, you don't feel secure in anything, you can't be relaxed even at home, you can't do anything, you are like a type of ghost, you're not secure. Psychologically it affects you, you get depressed, you get stressed, you feel like you are being persecuted as if you were a delinquent.

This also highlights the criminalisation of irregular migrants which closely intersects with fear and stress (De Genova 2002). The injustice of such criminalisation was also voiced by Mario from Bolivia:

It's incredible that we people who are illegal, we are treated like criminals when we are detained. They don't realise that the reality is that we are the best behaved of anyone in this society because we are afraid of being caught; there are people who have been living illegal here for 8 years and all this time they have never broken a plate.

In turn, irregular migrants are the most like to experience exploitation in the workplace. In the context where 40% of all working Latin Americans reported problems in the

workplace revolving around not getting paid for work done and verbal abuse, not surprisingly, those without legal documents were the most vulnerable. Although regular migrants also experienced exploitation, the lack of legal comeback meant it was most common among irregular workers. Manuela from Bolivia recalled a cleaning job she had:

After working there 2 months of going out in the early morning they asked me for my work permit and my bank account, I only had a National Insurance number, they got me like that. I cried with anger. I made allegations, but I got tired and they won.

Beyond the more explicit effects on migrants' well-being in terms of ill-health other consequences included not being able to visit family back home and issues of self-respect. For instance, a Brazilian who participated in the focus group noted: 'You obtain respect, from the moment you have a visa, that you have legal status in the country, you'll also have respect.'

Although these practices can be seen as 'acts of desperation' (Ellerman 2010) where individuals have nothing left to lose and so are able to threaten the state through non-compliance to norms and laws, the overall power structures will always be balanced against the migrant. In addition, notions such as challenging the state can be irrelevant for migrants themselves struggling to function in a precarious environment. Therefore, it is more appropriate to conceive of migrants as exercising some form of agency in the sense of being conscious actors in both creating practices to navigate their exclusion as well as negotiate often hostile migration regimes rather than being victims of their circumstances (Bailey 2011). Exclusion can therefore create productive active responses that can relate to preserving identities, generating a sense of belonging as well as projecting into the future to create new actions (see Kubal, Bakewell and de Haas 2012). Regardless of their state and status of irregularity, migrants invariably develop a *modus operandi* and are incorporated into labour markets and social and political structures in ways that reflect their agency albeit constrained to varying degrees.

Conclusions

This paper has highlighted how Latin American migrants in London have responded to the ever more restrictive migration regime with a particular focus on negotiating immigration status and dealing with irregularity. With an acknowledgement of the need to examine the entire immigration status spectrum, the paper outlines how migrants develop a range of entry, regularisation as well as spatial, economic and social invisibility practices as they arrive and settle through what are termed 'webs'. Conceptually, the discussion challenges a hierarchy of immigration status and instead argues that the creation of webs encapsulates the complexity and dynamism of irregularity as migrants negotiate from above and below. While not amounting to forms of resistance, these webs and practices, which are intersected by nationality, reflect some level of migrant agency as they manipulate the state and the everyday structures

and institutions of the city. These webs emerge from below in innovative ways that entail negotiation of often fluid migration regimes that structure the exclusionary context within which migrants can act. As such, the conceptualisation of and their empirical manifestations through various practices challenge the extent to which binary representations of regularity capture the experience of migrants as well as the complexity of the migration regime and the competing rationales underpinning it. Finally, although the situation of Latin Americans in London resonates with other migrant groups in the city and beyond in terms of their innovative responses, their case also highlights how a community with multiple nationalities and concomitant immigration statuses can also create divisions among themselves as they vie for status.

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